

IT IS ORDERED

Date Entered on Docket: September 12, 2014



The Honorable David T. Thuma
United States Bankruptcy Judge

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

In Re:

MARK JUSTIN DAHRLING and
MAURA LYNN DAHRLING,

Debtors.

No. 13-12327 t7

**ORDER APPROVING TRUSTEE'S COMPROMISE OF CONTROVERSY AND
SETTLEMENT OF ADVERSARY PROCEEDINGS AND CONTESTED MATTERS**

THIS MATTER coming on for consideration on the Motion of the Trustee for Order Approving Compromise of Controversy, the Court having considered the matter, and finding that the motion was filed herein on August 26, 2014, that notice of the motion and of the deadline to object thereto was served by the Trustee on the parties in interest listed on the mailing matrix maintained by the court clerk in connection with this proceeding on August 29, 2014, that the deadline had been, by prior order of the Court, shortened to ten days, plus three for mailing, that the deadline to object was September 11, 2014, and that no objections were filed, that the Trustee proposes to enter into the settlement agreement based upon certain representations by the Debtors, and that, based on such

representations, and on the other factors cited by the Trustee, it is proper to approve the Trustee's proposed settlement,

IT IS NOW THEREFORE ORDERED as follows:

1. The Trustee's proposed compromise is hereby approved in all respects;
2. The Trustee and the Debtors are hereby authorized to take such actions and to execute such instruments as are necessary to consummate the settlement, including:

- a. The Trustee, the Debtors, Carta Blanche Ventures, LLC, and Justin Dahrting, submitting contemporaneously herewith an order in Adversary No. 13-1085, which avoids the assignment by the Debtors to Carta Blanche Ventures, LLC, of property described as:

Lot 4 in Block R of SONORA SPRINGS PHASE 2, as the same is shown on the plan of said subdivision filed in the Office of the Dona Ana County Clerk on October 24, 2001, in plat book 19, folio 743-745.

subject to that certain real estate contract by which the Debtors sold said property to Justin Dahrting, and otherwise dismissing such adversary proceeding with prejudice,

- b. The Trustee releasing the notice of *lis pendens* recorded by the Trustee in the real property records of Dona Ana County, New Mexico, against the property which is the subject of the real estate contract referred in the preceding paragraph, or tendering such release into escrow at Dona Ana Title Company to be recorded only upon closing of the refinance of the subject property by Justin Dahrting.

- c. The Debtors executing such deeds or other instruments or documents as may be required by Dona Ana Title Company to close the refinance of the real estate contract by Justin Dahrting.

- d. Upon closing of the refinance of the real estate contract by Justin Dahrting, Dona Ana Title Company shall disburse the net proceeds of the refinance to the trust account of Moore,

Berkson & Gandarilla, P.C., up to the amount \$214,704.25, with any excess over that amount being disbursed to counsel for the Debtors at the address of Michael Allison, indicated below.

e. The Trustee and the Debtors submitting an order dismissing Adversary No. 14-1082 without prejudice,

f. The Trustee withdrawing, or the parties stipulating to the withdrawal of the Trustee's Turnover Motion filed herein as Doc. No. 59.

g. The Debtors withdrawing their objection to the claim filed herein by Judith Wagner, trustee of the Vaughan Company Realtors bankruptcy estate.

3. All other provisions of the Trustee's proposed compromise and global settlement with the Debtors, with Carta Blanche Ventrues, LLC, and with Justin Dahrling are incorporated herein, and the Debtors' representations are found to be a basis of the bargain with the Trustee.

###END OF ORDER###

Prepared and submitted by:
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